

## SENATE BILL No. 209

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-10.1-5-8; IC 33-19-6-18.

**Synopsis:** Late payment fee. Allows a court to impose a \$20 late payment fee when court costs, a fine, a civil penalty, or another judgment in a criminal proceeding, infraction proceeding, or a proceeding involving an ordinance violation is not paid by the due date set by the court. Requires the court clerk to collect and forward late payment fees to the appropriate county auditor or city or town fiscal officer for deposit in the general fund of the political subdivision receiving the fees.

**Effective:** July 1, 1999.

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### Craycraft

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January 6, 1999, read first time and referred to Committee on Judiciary.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 209

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 33-10.1-5-8 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) All judgments,  
3 decrees, orders, and proceedings of city and town courts have the same  
4 force as those of the circuit court. A judgment becomes a lien on real  
5 estate when a transcript of the judgment is filed with the clerk of the  
6 circuit court. **A city or town court may impose a late payment fee**  
7 **under IC 33-19-6-18.**

8 (b) All orders of sale and executions affecting real estate from the  
9 city court of the three (3) cities having the largest populations in a  
10 county having a population of more than four hundred thousand  
11 (400,000) but less than seven hundred thousand (700,000) shall be  
12 issued by the clerk of the circuit court to the sheriff upon the filing of  
13 a certified copy of the judgment. When the copy is filed, the court  
14 rendering the judgment has no further jurisdiction of the case except to  
15 furnish a transcript for appeal. The life of a lien may be continued in  
16 force when the action is started in the city court, as though the action  
17 were filed in the circuit court, by filing with the clerk of the circuit



1 court a certificate, certified to by the judge of the city court and  
2 containing the names of the parties to the suit, the nature of the action,  
3 the description of the property affected, and the amount in controversy.  
4 The judge shall enter minutes on the docket showing the issuing of the  
5 certificates.

6 SECTION 2. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 1999]: **Sec. 18. (a) This section applies only to criminal,**  
9 **infraction, and ordinance violation actions.**

10 **(b) In each action in which costs, a fine, a civil penalty, or**  
11 **another judgment is not paid in full by the payment date set by the**  
12 **court when the judgment was entered, the court may impose a late**  
13 **payment fee of twenty dollars (\$20).**

14 **(c) The clerk shall collect and forward one hundred percent**  
15 **(100%) of the late payment fees collected under this section to the**  
16 **county auditor or city or town fiscal officer in accordance with**  
17 **IC 33-19-1-3(a).**

18 **(d) Money received under this section shall be deposited in the**  
19 **general fund of the political subdivision receiving the fees.**

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